

**DECLARATION AND POWER OF ATTORNEY**

As a below named inventor, I hereby declare that my residence, post office address and citizenship are as stated below next to my name; that I verily believe I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named below) of the invention entitled:

**APPARATUS AND METHOD FOR  
CELL VOLTAGE MONITORING**

which is described and claimed in:

- ☒ the attached specification; or,
- ☐ the specification in application Serial No. \_\_\_\_\_ filed \_\_\_\_\_; or,
- ☐ as amended on \_\_\_\_\_; or,
- ☐ PCT international application No. \_\_\_\_\_ filed \_\_\_\_\_ as amended under Article 19 on \_\_\_\_\_ and/or under Article 34 on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge my duty to disclose information which is material to the patentability of this invention in accordance with Title 37, Code of Federal Regulations, §1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application on which priority is claimed:

<u>Prior Foreign/PCT Application(s)</u>			Priority Claimed?	
Serial No.	Country	Filing Date	Yes	No

I hereby claim the benefit, under 35 U.S.C. §119(e), of any United States provisional application(s) that is/are listed below:

<u>U.S. Provisional Patent Applications</u>	
Serial No.	Filing Date

I hereby claim the benefit, under 35 U.S.C. §120, of any United States application(s) or any PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of 35 U.S.C. §112, I acknowledge the duty to disclose material information as defined in 37 C.F.R. §1.56(a) which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application:

<u>U.S. Patent Applications</u>			Status (Check One)		
Serial No.	Filing Date		Patented	Pending	Abandoned
<u>PCT Applications Designating US</u>			Status (Check One)		
PCT No.	Filed	U.S.S.N.	Patented	Pending	Abandoned

I hereby appoint the following attorney(s) and/or agent(s), with full powers of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

<u>Name</u>	<u>Regn. No.</u>	<u>Name</u>	<u>Regn. No.</u>
Gerald O.S. Oyen	27,280	Gavin N. Manning	36,412
Blake R. Wiggs	29,505	George F. Kondor	40,477
Bruce M. Green	30,524	Craig A. Ash	48,228
David J. McGruder	32,375	Hilton W.C. Sue	51,325
Thomas W. Bailey	36,411		

Please direct all telephone calls to Oyen Wiggs Green & Mutala at Tel. No. 604-669-3432. Please direct all faxes to Oyen Wiggs Green & Mutala at Fax No. 604-681-4081. Please address all correspondence to:

Oyen Wiggs Green & Mutala  
Suite 480 —The Station  
601 West Cordova Street  
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Canada V6B 1G1

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that wilful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such wilful false statements may jeopardize the validity of the application or any patent issuing thereon.

Full name of sole  
or first Inventor: CHRIS KAMINSKI

Inventor's signature: \_\_\_\_\_

Date: \_\_\_\_\_

Residence Address: 10780 Roselea Crescent  
Richmond, British Columbia  
Canada V7A 2R4

Citizenship: Canadian

Mailing Address: same as above

Full name of  
second Inventor: DAVID LEBOE

Inventor's signature: \_\_\_\_\_

Date: \_\_\_\_\_

Residence Address: 2156 West 15<sup>th</sup> Avenue  
Vancouver, British Columbia  
Canada V6K 2Y5

Citizenship: Canadian

Mailing Address: same as above

Full name of  
third Inventor: MICHAEL LEE

Inventor's signature: \_\_\_\_\_

Date: \_\_\_\_\_

Residence Address: 401 - 920 Hillside Avenue  
Victoria, British Columbia  
Canada V8T 1Z8

Citizenship: Canadian

Mailing Address: same as above

Paper No.: \_\_\_\_\_

**IN THE UNITED STATES PATENT & TRADEMARK OFFICE**

Inventor(s): KAMINSKI, Chris; LEBOE, David; and LEE, Michael  
Title: APPARATUS AND METHOD FOR CELL VOLTAGE MONITORING  
Serial No.: Unassigned  
Filed: Herewith  
Date: 11 September 2003

To: Assistant Commissioner for Patents  
Washington, D.C.  
20231

Dear Sir:

**ASSOCIATE POWER OF ATTORNEY**

Please recognize the following attorneys as my associate attorneys in respect of this application:

<u>NAME</u>	<u>REGISTRATION NO.</u>
L. Grant Foster	33,236
D. Delos Larson	46,118

Please direct all telephone calls to Holland & Hart LLP at Telephone No. (801) 595-7830.

Please address all correspondence to:

HOLLAND & HART LLP  
60 East South Temple  
Suite 2000  
Salt Lake City, Utah  
84111 -1031 U.S.A.

Respectfully submitted,

By: \_\_\_\_\_

Vancouver, B.C.  
CANADA

Hilton W.C. Sue  
Registration No. 51,325  
tel: 604.669.3432  
fax: 604.681.4081  
e-mail: hsue@patentable.com

### ASSIGNMENT

WHEREAS WE, **KAMINSKI, Chris; LEOBOE, David; and LEE, Michael**, (collectively, the "Assignors"), whose full post office addresses are respectively: 10780 Roselea Crescent, Richmond, British Columbia, Canada V7A 2R4; 2156 West 15th Avenue, Vancouver, British Columbia, Canada V6K 2Y5; and 401 - 920 Hillside Avenue, Victoria, British Columbia, Canada V8T 1Z8, are the inventors of certain inventions or improvements described and claimed in the application for United States Letters Patent executed concurrently herewith and entitled:

### **APPARATUS AND METHOD FOR CELL VOLTAGE MONITORING**

AND WHEREAS, **CELLEX POWER PRODUCTS, INC.**, ("Assignee") whose full post office address is 220 - 13155 Delf Place, Richmond, British Columbia, Canada V6V 2A2, is desirous of acquiring the entire right, title and interest in and to the said inventions or improvements, and in and to the said application, and in, to and under all Letters Patent which may be granted on or as a result thereof in all countries;

NOW THEREFORE, in consideration of ONE (\$1.00) DOLLAR and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, WE, the Assignors, do hereby, both jointly and severally, sell, assign, transfer and set over to the Assignee the entire right, title and interest in and to the said inventions or improvements and said application, and all continuations, divisions, renewals of or substitutes for said application, and in, to and under all Letters Patent which may be granted on or as a result thereof, and any reissue or reissues of said Letters Patent; and WE assign to and authorize the Assignee to file in our names applications for Letters Patent for said inventions or improvements in all countries, the same to be held and enjoyed by the Assignee, its successors, assigns, nominees or legal representatives, to the full end of the term or terms for which said Letters Patent respectively may be granted, reissued or extended, as fully and entirely as the same would have been held and enjoyed by us, had this assignment, sale and transfer not been made;

AND WE hereby covenant that WE have full right to convey the entire interest herein assigned, and that WE have not executed and will not execute any agreement in conflict herewith, and WE further covenant and agree that WE will, each time request is made and without undue delay, execute and deliver all such papers as may be necessary or desirable to perfect the title to said inventions or improvements, said application and said Letters Patent, in the Assignee, its successors, assigns, nominees or legal representatives, and WE agree to communicate to the Assignee, or its nominees, all known facts respecting said inventions or improvements, said application and said Letters Patent, to testify in any legal proceedings, to sign all lawful papers, to execute all disclaimers and divisional, continuing, reissue and foreign applications, to make all rightful oaths, and generally to do everything possible to aid the Assignee, its successors, assigns, nominees and legal representatives to obtain and enforce for its or their own benefit, proper patent protection for said inventions or improvements in all countries, all at the expense, however, of the Assignee or its successors, assigns, nominees or legal representatives;

AND WE hereby authorize and request the Commissioner of Patents and Trademarks of the United States of America and any official of any country or countries foreign to the United States of America whose duty it is to issue patents on applications as aforesaid, to issue to the Assignee, as assignee of the entire right, title and interest, all Letters Patent for

said inventions or improvements, which may be issued and granted on or as a result of the application aforesaid, in accordance with the terms of this Assignment.

EXECUTED at \_\_\_\_\_ this \_\_\_\_ day of \_\_\_\_\_, 200\_.

\_\_\_\_\_  
CHRIS KAMINSKI

EXECUTED at \_\_\_\_\_ this \_\_\_\_ day of \_\_\_\_\_, 200\_.

\_\_\_\_\_  
DAVID LEBOE

EXECUTED at \_\_\_\_\_ this \_\_\_\_ day of \_\_\_\_\_, 200\_.

\_\_\_\_\_  
MICHAEL LEE

NOTARIAL CERTIFICATE

On this \_\_\_\_ day of \_\_\_\_\_, 200\_, before me, personally appeared CHRIS KAMINSKI, known to me to be the individual who executed the foregoing instrument, and who acknowledged to me that he executed the same of his own free will and for the purpose therein set forth.

\_\_\_\_\_  
Notary Public in and for the Province of  
British Columbia, Canada.  
My Commission is for life.

NOTARIAL CERTIFICATE

On this \_\_\_\_ day of \_\_\_\_\_, 200\_, before me, personally appeared DAVID LEBOE, known to me to be the individual who executed the foregoing instrument, and who acknowledged to me that he executed the same of his own free will and for the purpose therein set forth.

\_\_\_\_\_  
Notary Public in and for the Province of  
British Columbia, Canada.  
My Commission is for life.

NOTARIAL CERTIFICATE

On this \_\_\_\_ day of \_\_\_\_\_, 200\_, before me, personally appeared MICHAEL LEE, known to me to be the individual who executed the foregoing instrument, and who acknowledged to me that he executed the same of his own free will and for the purpose therein set forth.

\_\_\_\_\_  
Notary Public in and for the Province of  
British Columbia, Canada.  
My Commission is for life.

STATEMENT OF ACCEPTANCE

The foregoing Assignment is hereby accepted by the Assignee:

CELLEX POWER PRODUCTS, INC.

(C/S)

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_